<u>Timeline for the Provision of an Equal Education Opportunity to Limited-English Proficient Students</u>

OCR Title VI Policy on Language Minority Students:

During the late 1960's, OCR staff became aware that many school districts made little or no provision for students who were unable to understand English, even though there were substantial numbers of these students enrolled in their districts.

In the 1974 Lau v. Nicholas case, the U.S. Supreme Court upheld the 1970 memorandum as a valid interpretation of the requirements of Title VI. The Supreme Court stated that, "[T]here is no equality of treatment merely by providing students with the same facilities, textbooks, teacher and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education." issued an update, "Policy Update on Schools' Obligations Toward National Origin Minority Students with Limited-English Proficiency (LEP students)."

In 1985, OCR issued "The Office for Civil Rights' Title VI Language Minority Compliance Procedures," which outlines OCR policy with regard to the education of language-minority students and Title VI compliance standards.

In an effort to resolve this problem, in 1970, OCR issued a memorandum to the school districts titled the *Identification of Discrimination and Denial of Services on the Basis of National Origin.* The purpose of the memorandum was to clarify Title VI requirements concerning school districts' responsibility to provide equal education opportunity to language-minority students.

The 1970 memorandum stated, in part:

Where the inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

In 1991, OCR issued an update "Policy Update on Schools' Obligations Toward National Origin Minority Students with Limited-English Proficiency (LEP students)."

May 6. 2011 – U.S. Dept. of Justice/U.S. Dept. of Education – Office of Civil Rights issued a "Dear Colleague" [guidance] letter "OCR writes to remind local education agencies (hereinafter "districts") are required to provide all children with equal access to public education at the elementary and secondary level...and additionally that the United States Supreme Court held in the Plyer v. Doe, 457 U.S. 202 (182), that a state may not deny access to a basic public education to any child residing in the state, whether present in the United States legally or otherwise. to that student's entitlement to an elementary and secondary public education. (1st, 3rd paragraphs 5/6/11 Dear Colleague Letter, cover page)

The 1970 memorandum, and the 1985 and 1991 documents, explain the relevant legal standards for OCR policy concerning discrimination on the basis of national origin in the provision of education services to LEP students at the elementary and secondary level.